

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the matter of:)	
)	
Amendment of §73.202 of the Commission's)	RM-9770
Rules, Amendment to the FM Table of)	
Allotments.)	
(Sun City West, Winslow, Mayer and Yuma, AZ))	

SUMMARY

In the following comments, REC Networks ("REC") through its wholly owned entity, The Arizona Microradio Association ("AzMA") will demonstrate that the above captioned petition is technically and legally flawed. We will demonstrate that:

- Sun City West is actually an extension of Sun City, an unincorporated community which already has an FM allotment.
- The same government infrastructure that serves Sun City West also serves Sun City and many government decisions for Sun City are made from Phoenix.
- The proposed location for the moved station is actually outside the 70dBu city grade contour for Sun City West and Sun City.
- The specific needs of Sun City West (and Sun City) would be served better by Low Power FM ("LPFM") stations.
- Several translators would be displaced by the grant of this allotment.
- Without affecting the operations of another station, the Sun City West allotment is short spaced to Yuma.
- REC requests the Commission uses the alternative plan to move the city of license to Mayer.

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COMMENTS OF REC NETWORKS

I. INTRODUCTION

REC Networks ("REC") and it's wholly owned entity The Arizona Microradio Association ("AzMA", collectively "REC/AzMA") are dedicated to the efficient use of the broadcast spectrum as well as the development of a Low Power Radio Service as proposed in MM Docket 99-25. In this proceeding, REC/AzMA represents the interests of all aspiring LPFM broadcasters in the State of Arizona.

II. THE RELATIONSHIP OF SUN CITY WEST AND SUN CITY

Sun City is an unincorporated area of Maricopa County. The community is well known as a large active adult community where local covenants require household members to be at least 55 years of age with a limited number of residents being younger. Sun City was developed and marketed by the Del Webb Corporation, a major developer of planned communities. Sun City West is an expansion of the Sun City community. Sun City West, also unincorporated, is contiguous to Sun City to the northwest. Residents of Sun City West are subject to the same age restrictions as Sun City. Sun City West was also developed by Del Webb. Del Webb recently completed a third planned community called "Sun City Grand", which is located north west of the Sun City West community and north of Surprise.

III. SUN CITY AND SUN CITY WEST SHARE GOVERNMENT SERVICES

With the exception of the fire department, Sun City and Sun City West receive their services from Maricopa County. Police protection is provided by the Maricopa County Sheriff Department. Sun City and Sun City West are served by the same Sheriff's sub-station. Sun Cities Area Transit ("SCAT") provides dial-a-ride transportation services within both Sun City and Sun City West. The Maricopa County Regional Public Transportation Authority ("RPTA") operates weekday bus service connecting Sun City with Phoenix. Since both Sun City and Sun City West are unincorporated, important government decisions are made by the Maricopa County Board of Supervisors. The county seat of Maricopa County is Phoenix. Phoenix is a large metropolitan area.

IV. FOR ALLOTMENT PURPOSES, SUN CITY WEST SHOULD NOT BE CONSIDERED A SEPERATE COMMUNITY

As we have demonstrated so far, Sun City and Sun City West are practically the same community with the same demographics, government services and private enterprise. For all intents and purposes, Sun City West is actually an expansion of Sun City.

V. SUN CITY ALREADY HAS AN ALLOTMENT

Per §73.202 of the Commission's Rules, the community of Sun City already has an allotment on Channel 292C2. This allotment currently has a station on the air, KEDJ. Based on the facts we have demonstrated that Sun City and Sun City West are the same community, we do not feel that an allotment to Sun City West should be given "first aural service" priority.

**VI. SUN CITY WEST (AND SUN CITY) ARE OUTSIDE THE CITY-GRADE
CONTOUR OF THE PROPOSED FACILITY**

REC/AzMA, using the Commission's own plotting system has discovered that the proposed coordinates will create a 70dBu dBu (67.7 km) contour which does not encompass the designated geographic center of Sun City West nor does it cover a significant portion of the unincorporated areas of Sun City and Sun City West. For this reason, we find the petition to not meet the requirements of 73.315(a), therefore this petition is technically and legally defective.

**VII. ADDITIONAL RADIO SERVICE WOULD BE BETTER PROVIDED BY LPFM
STATIONS**

REC/AzMA questions the local service planned by the petitioner to the community of Sun City West. Based on the size of the community and the specialized demographics of the community, REC/AzMA feels that the specific needs of Sun City West (and Sun City) would be better served by LPFM stations proposed in MM Docket 99-25 and supported by REC. REC Networks had conducted a study which attempted to place LPFM stations in each community name in the US Census Bureau's files. For Sun City, REC was able to pre-coordinate a 10 watt station on Channel 224D2 and in Sun City West, a 100 watt station on Channel 247A3. In addition, each community can have a 10 watt community based microstation on Channel 198D2 (87.5 MHz) without causing harmful interference to TV Channel 6 or other local stations. An independent study conducted by AzMA shows that 100 watt stations can be placed in Sun City on Channel 256A3 and in Sun City West on 243A3. Both reports are a part of separate pre-coordination studies funded and conducted by REC/AzMA.

VIII. DISPLACEMENT OF TRANSLATORS

Even though not grounds for denial, the proposed allotment will cause harmful interference to translators in Mayer (K235AI) and Prescott (K237AU). Since these stations are very close to the proposed transmitter site, these two stations would be subject to displacement.

IX. PROPOSED ALLOTMENT IS SHORT SPACED TO YUMA

The proposal to use Sun City West would cause the location to be short spaced to the Class C allotment in Yuma. REC recognizes that the previous owner of KTTI was unable to construct the upgraded station as authorized on their Construction Permit ("CP"). Even though the CP may be cancelled the amendment to the Table of Allotments is not. REC considers that allotment in Yuma to be Class C. REC feels that KTTI should not be required to change their reference coordinates in order to accommodate the petitioner's request to move the station to Sun City West. In order for the petitioner to move the station to the location specified in the Sun City West proposal, the class of the station would have to be downgraded to C1. Even though we have already demonstrated that Sun City West is just outside the 70 dBu city grade contour of the proposed transmitter site at Class C, it is well outside the city grade contour at Class C1.

X. STATUS OF MAYER AS A COMMUNITY

As an alternative to Sun City West, the Petitioner has presented a plan, which would reallocate the channel to Mayer as their first aural service. Mayer is not listed in the U.S. Census Bureau's Gazetteer as a community, however the ZIP code 86333 is listed in the Census Bureau's ZIP Code File with a population of 3,248. Mayer is located in Yavapai County on State Highway 69 between Prescott Valley and Cordes Junction. Mayer is covered by the Prescott Daily Courier newspaper. Mayer is well known for its antique shops and has a private college preparatory school. Mayer is within the 60dBu contours of 18 different FM stations including 5 from Prescott and Prescott Valley, 4 from Flagstaff, 2 from the Phoenix Metropolitan Area and several from other communities in Northern Arizona. Based on a LPFM Channel Search for Mayer from its Census Bureau coordinates (34.36554-NL 112.12955-WL), we have found one channel (243D2), which can be used for a 10 watt community station. Mayer is well within the city grade contour of the transmitter site proposed. REC is inclined to believe that Mayer is a community with a population of 3,248 with a local community lifestyle, the growth of a future Low Power FM Radio Service would not be hampered by the change in community of license. The transmitter site would permit the petitioner to provide service along the Interstate 17 corridor between Phoenix and Flagstaff while not imposing a serious threat to the Metropolitan Phoenix market.

XI. CONCLUSIONS

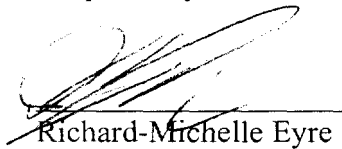
1. In respect to Sun City West: REC/AzMA has demonstrated that Sun City and Sun City West are two common communities which share most community services, have the same demographic makeup and have common business interests. We are demonstrating that Sun City West should not be considered as a community for allotment purposes due to this common bond with Sun City. We have demonstrated that Sun City already has an allotment and due to the fact that there are dozens of Phoenix metropolitan area stations within Sun City West's service area, the community does receive FM service. The petition is defective on the grounds that the coordinates proposed can not provide a 70dBu city-grade contour to encompass the entire area known as "Sun City West" and therefore violates §73.315(a) and will cause a short spacing with a Class C allotment in §73.202. Based on these facts presented, REC/AzMA respectfully asks to deny the petitioner's request to change the city of license to Sun City West.

2. In respect to Yuma: We have presented the fact that the current owner of KTTI, Yuma plans to re-file for a construction permit to upgrade their station. We feel the new owner will be make that upgrade. The upgrade KTTI proposes from their location will provide a vital service along a sparsely populated area of Interstate 8 and therefore would be in the public interest and therefore should not be affected by this petition. Based on the facts presented, REC/AzMA respectfully asks to deny the petitioner's request to change the reference coordinates of Channel 236C at Yuma.

3. *In respect to Mayer:* The alternative proposal will move the city of license from one Northern Arizona community to another Northern Arizona community. The new location gives the petitioner an opportunity to provide an emergency service along the I-17 corridor while causing minimal impact on the metro Phoenix radio market. The Mayer alternative plan would serve the public interest of residents of Northern Arizona as well as those traveling the Interstate.

Based on the facts presented, REC/AzMA respectfully asks the Commission to GRANT in part the petitioner's alternative request to change the city of license to Mayer, Arizona and DENY in part the petitioner's request to change the city of license to Sun City West and to DENY in part the petitioner's request to modify the reference coordinates at Yuma.

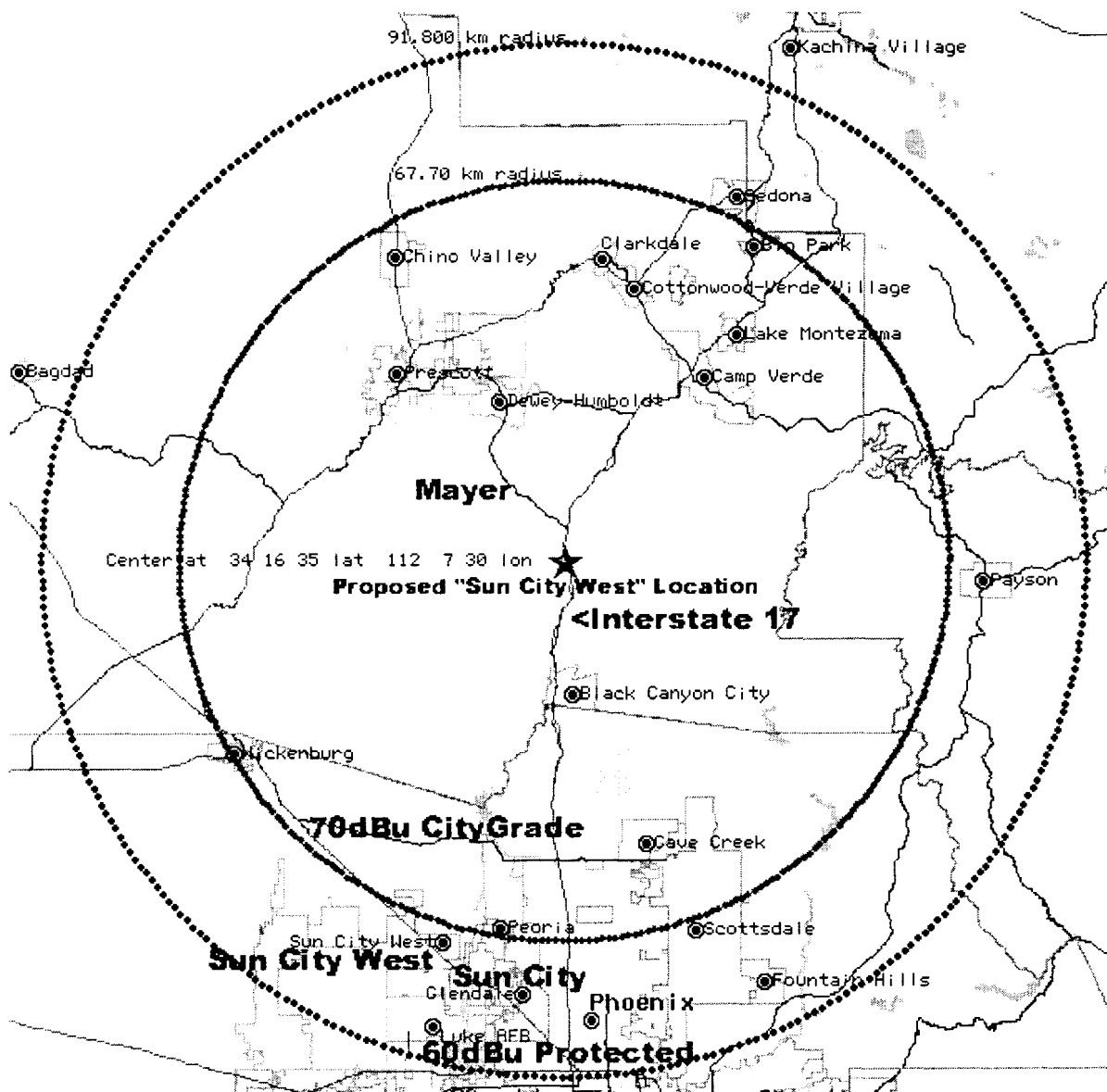
Respectfully Submitted,



Richard-Michelle Eyre
REC Networks
Arizona Microradio Association
P O Box 2408
Tempe AZ 82580-2408
rec@recnet.com
<http://www.recnet.com>

REC prefers and encourages service of documents via e-mail. Use .doc or .pdf formats.
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APPENDIX A -70dBu CITY GRADE CONTOUR OF THE SUN CITY WEST PROPOSAL

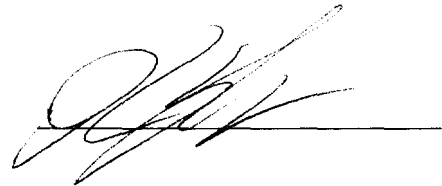


CERTIFICATE OF SERVICE

This is to certify that a copy of this pleading has been submitted via U.S. Mail to the following:

Desert West Air Ranchers Corp. ("petitioner")
Mark N. Lipp and Scott C. Cinnamon, Attorneys
Shook, Hardy & Bacon
600- 14th Street, N. W.
Washington, DC 20005

Capstar Royalty II Corporation
Wiley, Rein & Fielding
1776 K Street N. W.
Washington, DC 20006

A handwritten signature in black ink, appearing to be "J. Lipp", written over a horizontal line.

REC prefers and encourages service of documents via e-mail. Use .doc or .pdf formats.